

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Walter D. Wick

v.

Civil No. 08-cv-00180-JL

Mark Schols

**O R D E R**

The defendant's Motion to Amend Answer to Amended Complaint (document no. 28) is GRANTED. While the plaintiff's arguments seem well-reasoned, and may well result in dismissal, the court is not prepared on this record to rule that the new counterclaims are futile. The objection does not seriously allege prejudice, lack of diligence, or fraud. The court finds no undue delay, bad faith, dilatory motive, inexcusable repetitious failure to cure deficiencies, undue prejudice, futility, fraud, or frivolity. See Fed. R. Civ. P. 15; Foman V. Davis, 371 U.S 178, 182 (1962); In re Rauh, 119 F. 3d 46,52 (1st. Cir. 1997); Executive Leasing Corp. v. Banco Popular, 48 F. 3d 66,71 (1st. Cir. 1995).

If the plaintiff desires a modification to dispositive motion deadlines in order to allow motions to dismiss the new counterclaims, such relief will be granted.

**SO ORDERED.**

  
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Joseph N. Laplante  
United States District Judge

Dated: December 9, 2008

cc: Steven E. Grill, Esq.  
Gordon J. MacDonald, Esq.  
Henry E. Kinser, Esq.